

Anita Y. Milanovich (Mt. No. 12176)
THE BOPP LAW FIRM, PC
1627 West Main Street, Suite 294
Bozeman, MT 59715
Phone: (406) 589-6856
Email: aymilanovich@bopplaw.com
Local Counsel for Plaintiffs

James Bopp, Jr. (Ind. No. 2838-84)*
Jeffrey Gallant (Va. No. 46876)**
Courtney E. Turner (Ind. No. 32178-29)***
THE BOPP LAW FIRM, PC
The National Building
1 South Sixth Street
Terre Haute, Ind. 47807
Phone: (812) 232-2434
Fax: (812) 235-3685
Email: jboppjr@aol.com
jgallant@bopplaw.com
cturner@bopplaw.com
Counsel for Plaintiffs

*Motion pro hac vice granted 9/9/11.
**Motion pro hac vice granted 6/11/12.
***Motion pro hac vice granted 2/1/16.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

Lair, et al.,	
<i>Plaintiffs,</i>	
v.	Case No. 6:12-cv-00012-CCL
Jonathan Motl, et al.,	Declaration of Dan Kennedy
<i>Defendants.</i>	

I, Dan Kennedy, make the following declaration pursuant to 28 U.S.C.

DECLARATION OF
DAN KENNEDY

§ 1746:

1. I am over eighteen years of age and my statements set forth below are based on personal knowledge.

2. I successfully ran for office in House District 57 in 2010, a district I was born and raised in.

3. This was the first time I had run for elected office or ever done anything political. I am a businessman in Montana, with family roots in this state going back 160 years.

4. I decided to run for office because America has been very good to me and I have lived the American dream, and I wanted to give back. My primary area of interest was fiscal responsibility.

5. As a businessman, I knew I needed to put up signs and mail out flyers. Christian LeFer referred me to Direct Mail for assistance with my campaign literature. So I hired Direct Mail to produce materials for me, including a wife letter and other letters.

6. I am extremely familiar with branding and marketing, as I began with the Ashley Furniture Company when there were only eleven of us doing retail stores in the world and now Ashley is an international brand. For my campaign, I went with the best deal, which at the time was Direct Mail.

7. Once I saw Direct Mail's product, I promptly switched to Allegra for color brochures, as Direct Mail's product was cheap for a reason: it was low quality.

8. I have no knowledge of what "on board" or "the works" means.

9. I recall receiving numerous surveys from various groups. Because I was new to politics, I was not familiar with many of the groups and as a general rule, decided I would not fill them out.

10. I did not authorize any National Right to Work, American Tradition Partnership, or Western Tradition Partnership spending to aid in my election. I never met with National Right to Work, American Tradition Partnership, or Western Tradition Partnership, or their agents for the purpose of being vetted.

11. I never made an arrangement, explicit or implied, with Western Tradition Partnership, American Tradition Partnership, National Right to Work, or Direct Mail that, in exchange for any efforts to get me elected, I would act in an official government capacity at their direction as a public official. It is deeply offensive to me to be accused of engaging in such an arrangement.

12. I am not aware of any other legislator or candidate entering into such an agreement.

13. I have never and would never enter into such an agreement with

anyone. There is no way that I can be bought. I am my own person. I do not “roll over” or get opinions from other people to tell me what to say or do. For example, my brother was partnered in a medical marijuana storefront here in Montana. Yet in the legislature, I voted against a marijuana bill. In fact, during the 2011 legislative session, I made every effort to isolate myself from lobbyists and other legislators and focused on reading each bill so I knew what each bill said and could vote consistent with my constituents’ interests.

14. When I saw third party mailers after they were sent out that negatively discussed my opponent Debra Bonogofsky’s positions on issues, I was shocked at the content. Being new to politics, I thought perhaps that was what politics was about and what voters need to know.

15. On August 31, 2010, a complaint was filed against me for a variety of campaign finance violations. The complaint was investigated and was, to my knowledge, about to be dismissed in 2013. Then, on October 16, 2013, the Commissioner issued findings against me and filed a civil lawsuit against me shortly thereafter that is still pending. None of these documents allege quid pro quo corruption.

16. I have been very cooperative with Commissioner Motl, producing all documents requested and even offering to engage in settlement discussions in late

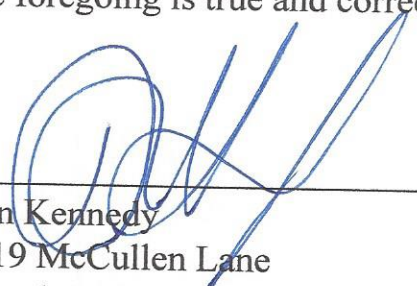
2014. When I learned of an attribution issue on my signs, I went out with a marker to correct that immediately.

17. Until this case, I had never been sued in my 28 years of business. The only time I had interacted with a judge was in the adoption of my son.

18. Because of the allegations made against me, I have been under a cloud of political suspicion for over five years and have endured substantial harm to my business and my family. It has caused my wife extreme stress to the point that she has inquired whether I was going to jail for technical, campaign finance violations. I will likely never run for office again but instead intend to pursue all legal remedies against the purveyor of this slander and libel.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 1, 2016.



Dan Kennedy
1519 McCullen Lane
Laurel, MT 59044